

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Haeley Galeote	Team: Squad #14	CCRB Case #: 202208570	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/10/2022 2:00 PM	Location of Incident: Front of Todd Snyder at Rockefeller Center	18 Mo. SOL 6/10/2024	Precinct: 18		
Date/Time CV Reported Thu, 12/15/2022 2:37 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/15/2022 2:37 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT DS George Tavares	05354	931301	A&E
2. SGT Bao Tran	03245	940813	PSA 2
3. PO Pedro Figueroa	13873	965097	PSA 2
4. PO Ezequiel Nunez	10249	935410	CRC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Mohammad Alamin	13112	953623	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A . SGT DS George Tavares	Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)	
B . SGT DS George Tavares	Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)	
C . SGT DS George Tavares	Discourtesy: Sergeant George Tavares spoke discourteously to an individual.	
D . SGT DS George Tavares	Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)	
E . SGT DS George Tavares	Abuse: Sergeant George Tavares improperly used his body-worn camera.	
F . PO Ezequiel Nunez	Abuse: Police Officer Ezequiel Nunez improperly used his body-worn camera.	
G . SGT Bao Tran	Abuse: Sergeant Bao Tran improperly used his body-worn camera.	
H . PO Pedro Figueroa	Abuse: Police Officer Pedro Figueroa improperly used his body-worn camera.	

Case Summary

On December 15, 2022, § 87(2)(b) filed this complaint with the CCRB via phone.

On December 10, 2022, at approximately 2:00 p.m., in front of 620 5th Avenue in Manhattan, § 87(2)(b) was approached by Sergeant George Tavares of the Arson and Explosives Squad, as § 87(2)(b) performed as a statue. Sgt. Tavares informed § 87(2)(b) that he had to move from the sidewalk onto the street. Sergeant Bao Tran and Police Officers Mohammad Alamin, and Pedro Figueroa, both of PSA 2, also arrived on scene at Sgt. Tavares' request. Police Officer Ezequiel Nunez, of the Critical Response Command, also arrived. Throughout the incident, Sgt. Tavares called § 87(2)(b) a clown, used the word "shit" around § 87(2)(b) and called an unidentified bystander who watched § 87(2)(b) perform an "asshole" and said that § 87(2)(b) would steal his money (**Allegations A-C: Discourtesy**, § 87(2)(g)). Furthermore, when speaking to Sgt. Tran, Sgt. Tavares used the word "fuck" regarding § 87(2)(b) (**Allegation D: Discourtesy**, § 87(2)(g)). § 87(2)(b) alleged that only PO Alamin activated his body-worn camera (**Allegations E-F: Abuse of Authority**, § 87(2)(g)). **Allegation G: Abuse of Authority**, § 87(2)(g). **Allegation H: Abuse of Authority**, § 87(2)(g).

No arrests or summonses resulted from this incident.

The investigation received body-worn camera (BWC) video footage from Sgt. Tran and PO Alamin (**BR 14**), the relevant aspects of which are discussed in further detail below. § 87(2)(b) also provided the investigation with camera footage captured by his cameraman who recorded his performance (**BR 11**).

Findings and Recommendations

Allegation (A) Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)

§ 87(2)(b) (**BR 03**), who performed on the sidewalk as a human statue, testified that Sgt. Tavares told him to move off the sidewalk, which § 87(2)(b) refused to do. Thus, Sgt. Tavares proceeded to stand in front of § 87(2)(b) and told people who were watching him to leave as there was nothing to see. A crowd of twenty or more people began to form on the street, approximately two feet away from the sidewalk, and watched § 87(2)(b) and Sgt. Tavares. Sgt. Tavares stood in front of § 87(2)(b) while facing the crowd and stated, "I'm not going to have that shit going on here." § 87(2)(b) told Sgt. Tavares that he needed to be respectful, and Sgt. Tavares then proceeded to state, "okay clown." At some point, some individuals from the crowd told Sgt. Tavares to let § 87(2)(b) film his video and yelled out "freedom," to which Sgt. Tavares stated, "when he steals your money then you're going to be sorry."

§ 87(2)(b) had no further contact information for any persons in the group watching him and noted that he did not know these people.

§ 87(2)(b) footage recorded by his cameraman (**BR 11**), from 05:20 to 05:40, shows Sgt. Tavares standing on the sidewalk looking out to the street and telling pedestrians to leave as there is nothing to see. Sgt. Tavares then proceeds to state, "whatever asshole, when he steals your money don't say anything," to an unidentified individual not captured due to the angle of the footage. From 10:05 to 10:50, Sgt. Tavares asks § 87(2)(b) to step over so they can have a conversation, but § 87(2)(b) refuses, stating he is a free man and that he did not commit a crime. Sgt. Tavares informs § 87(2)(b) that he did not commit a crime and only wants to speak to him, but § 87(2)(b) refuses to do so. Sgt. Tavares then proceeds to shout at someone to get a lieutenant and states, "I'm not going to have that shit going on - it's embarrassing" as he looks towards the street. § 87(2)(b) tells Sgt. Tavares to remain respectful and that there is no need for cursing, to which Sgt. Tavares responds, "alright clown." § 87(2)(b) then states to the crowd, "ladies and gentlemen, NYPD. Very disrespectful."

Sgt. Tavares testified (**BR 04**) that he called § 87(2)(b) a clown because § 87(2)(b) was being loud, yelling, and causing a crowd to form as if § 87(2)(b) was looking for attention. Sgt.

Tavares did not recall using any further profanity with § 87(2)(b). The footage provided by § 87(2)(b) and Sgt. Tran's BWC were then shown to Sgt. Tavares. Sgt. Tavares testified that he could not recall exactly why he responded with, "whatever asshole, when he steals your money don't say anything," but noted that he was frustrated with § 87(2)(b) refusing to leave and causing a crowd to gather. Regarding stating, "I'm not going to have that shit going on, it's embarrassing," Sgt. Tavares stated that he made the statement out of frustration because § 87(2)(b) was not listening to him. Sgt. Tavares was not directing his statement towards § 87(2)(b) and instead Sgt. Tavares made the statement as he felt embarrassed for himself due to being recorded.

Patrol Guide Procedure 200-02 (BR 09) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may also not use profanity when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 10).

§ 87(2)(g) Sgt. Tavares called § 87(2)(b) a clown, the unidentified individual an asshole, insinuated that § 87(2)(b) was a thief, and used the word "shit," within hearing distance of § 87(2)(b) regarding the situation § 87(2)(g).
§ 87(2)(g)
§ 87(2)(g)

Allegation (D) Discourtesy: Sergeant George Tavares spoke discourteously to § 87(2)(b)

Sgt. Tran's BWC (BR 12), from 01:00 to 01:10, shows Sgt. Tavares telling Sgt. Tran that § 87(2)(b) doesn't understand why he has to move, and further proceeds to state "he doesn't fucking get it," as he paces around. From 01:50 to 02:12, Sgt. Tavares tells § 87(2)(b) his shield number and states he is not worried, to which § 87(2)(b) proceeds to state, "very disrespectful." Sgt. Tavares then proceeds to state "fucking guys, I'm telling you", as he speaks to Sgt. Tran about § 87(2)(b) stating that if § 87(2)(b) is allowed to stay on the sidewalk, others will proceed to do the same. From 04:40 to 04:55, § 87(2)(b) can be heard stating, "it's unfortunate because I know you are doing paid detail on your day off," to which Sgt. Tavares then turns to Sgt. Tran and states, "how much you want to bet this guy is a fucking cop?"

§ 87(2)(b) did not allege that Sgt. Tavares used the word "fuck" around him nor regarding him.

Sgt. Tavares testified (BR 04) that when speaking to Sgt. Tran, Sgt. Tavares used profanity when stating, "he doesn't fucking get it," and "fucking guys, I'm telling you," in regard to § 87(2)(b) due to being frustrated with § 87(2)(b) causing a crowd to form. Sgt. Tavares used profanity as well when telling Sgt. Tran, "How much you want to bet this guy is a fucking cop," as he was frustrated and embarrassed at being recorded and § 87(2)(b) not listening.

Patrol Guide Procedure 200-02 (BR 09) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may also not use profanity when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 10).

While § 87(2)(b) did not allege that Sgt. Tavares used further profanity regarding him or near him, Sgt. Tran's BWC shows that Sgt. Tavares made remarks utilizing the word "fuck," regarding § 87(2)(b) and within hearing distance of § 87(2)(b) § 87(2)(g).
§ 87(2)(g)
§ 87(2)(g)

Allegation (E) Abuse of Authority: Sergeant George Tavares improperly used his body-worn camera.

Allegation (F) Abuse of Authority: Police Officer Ezequiel Nunez improperly used his body-worn camera.

§ 87(2)(b) testified (BR 03) that he believed PO Alamin was the only officer on scene with an activated body-worn camera.

Sgt. Tavares testified (BR 04) that he did not have his body-worn camera on as he was never assigned one given his command assignment of the Arson and Explosive Squad and in his paid detail assignment, it was not required.

PO Nunez memo book (BR 06) showed that PO Nunez was assigned to paid detail at Rockefeller Center.

§ 87(2)(b) footage recorded by his cameraman (BR 11), from 04:47 to 04:49, PO Nunez is not seen equipped with a BWC on his uniform.

Patrol Guide Procedure 212-123 (BR 05), states that BWC should not be activated for off duty employment including paid detail assignments.

§ 87(2)(b) Sgt. Tavares and PO Nunez were not required to have BWC activated due to being assigned to paid detail. § 87(2)(g)

Allegation (G) Abuse of Authority: Sergeant Bao Tran improperly used his body-worn camera.

§ 87(2)(b) testified (BR 03) that he believed PO Alamin was the only officer on scene with an activated body-worn camera.

Sgt. Tran testified (BR 07) he was informed through a radio call that there was something happening on the block he was assigned to and to go check it out. Sgt. Tran had not received any additional information. Sgt. Tran did not activate his BWC because he did not believe the encounter was adversarial, as he believed § 87(2)(b) appeared calm and Sgt. Tavares was naturally loud when speaking or spoke that way due to the area, they were in. As Sgt. Tran spoke to § 87(2)(b) he did not believe he was taking any police action as he was only telling § 87(2)(b) that he could not take donations. Sgt. Tran admitted that he did try to look up laws that prevented § 87(2)(b) from taking donations, but he could not find any, thus § 87(2)(b) was correct.

§ 87(2)(b) footage recorded by his cameraman (BR 11), from 11:38 to 12:50, shows when Sgt. Tran approaches § 87(2)(b) and states to § 87(2)(b) that he can continue to stand where he is as he did not break the law, but cannot collect donations. § 87(2)(b) asks Sgt. Tran to show him the law that states he cannot collect donations. Sgt. Tran tells § 87(2)(b) that he has two options, one of which is that § 87(2)(b) can go stand anywhere else and collect donations just not on that specific block, and before the other option is given, § 87(2)(b) proceeds to cut Sgt. Tran off. Thus, Sgt. Tran takes out his phone and looks at it as § 87(2)(b) continues to ask for the law that states he cannot take donations. § 87(2)(b) then states to Sgt. Tran that he is misinformed, and a few seconds after, Sgt. Tran proceeds to put his hand on his BWC and activates it at the 12:48 minute mark.

Patrol Guide Procedure 212-123 (BR 05), states that BWC should be activated when engaging in police action and furthermore to record any interactions that escalate to become adversarial or may hold evidentiary value.

While Sgt. Tran believed he did not take any police action, the investigation determined that Sgt. Tran did instruct § 87(2)(b) to move off the block if he was going to collect donations, which amounted to a police action. § 87(2)(g)

Allegation (H) Abuse of Authority: Police Officer Pedro Figueroa improperly used his body-worn camera.

§ 87(2)(b) testified (BR 03) that he believed PO Alamin was the only officer on scene with an activated body-worn camera.

PO Figueroa testified (BR 08) that he did not recall why he and Sgt. Tran approached Sgt. Tavares and § 87(2)(b). To PO Figueroa's recollection, he and Sgt. Tran were walking to their police vehicle when they stumbled upon Sgt. Tavares and § 87(2)(b). PO Figueroa was unable to hear the conversation between § 87(2)(b) and Sgt. Tavares as he stood a few feet away from them, thus PO Figueroa did not know that § 87(2)(b) was being told he had to move off the sidewalk. PO Figueroa had also been speaking to civilians on the street, thus he did not pay attention to Sgt. Tavares and § 87(2)(b). PO Figueroa did not know if the situation between § 87(2)(b) and Sgt. Tavares ever escalated, nor did PO Figueroa hear Sgt. Tavares call § 87(2)(b) a clown, nor use profanity. PO Figueroa testified that BWC was not required in this instance as he believed he was uninvolved.

Sgt. Tran's BWC (BR 12), from 00:00 to 01:00, before audio is heard, shows PO Figueroa standing by the edge of the sidewalk talking to a male civilian on the street, PO Figueroa's gaze remains on the male civilian throughout most of the incident. When audio is on, from 01:00 to 02:00, as Sgt. Tavares is telling § 87(2)(b) he must move, and § 87(2)(b) tells Sgt. Tavares that he is disrespectful and cursed at him and called him a clown, PO Figueroa is still seen at the edge of the sidewalk talking to the male civilian, and at times laughing with the civilian. PO Figueroa's gaze rarely lands on the incident that is occurring in front of him. At no point is PO Figueroa seen taking any police action, nor directing pedestrian traffic on the incident location, nor speaking to § 87(2)(b) and at instances is seen walking away from the incident location.

Patrol Guide Procedure 212-123 (BR 05), states that BWC should be activated when engaging in police action and furthermore to record any interactions that escalate to become adversarial or may hold evidentiary value.

PO Figueroa testified that he did not turn on his BWC during this incident as he was unaware of any police action or escalation transpiring and was occupied by talking to civilians on the sidewalk. Sgt. Tran's BWC's corroborated PO Figueroa's account and showed that PO Figueroa never took any police action himself, rarely looked at the incident occurring beside him, and at times walked away from the incident scene. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 01).
- Sgt. Tavares has been a member of service for 20 years and has been a subject in 10 complaints and 24 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Tran has been a member-of-service for 17 years and this is the first complaint to which he has been a subject.
- PO Figueroa has been a member-of-service for five years and this is the first complaint to which he has been a subject.
- PO Nunez has been a member of service for 18 years and has been a subject in two complaints and five allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On March 17, 2023, a Notice of Claim Request was filed with the New York City office of the Comptroller and will be added to the casefile upon receipt (BR 13).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 14

Investigator: Haeley Galeote Inv. Galeote 04/05/2023
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 04/05/2023
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date